

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:) Before the Examiner
Hai H. Trieu) Alvin J. Stewart
Serial No. 09/943,441) Group Art Unit 3738
Filed: August 30, 2001) Ref. No. 4002-2643/PC362.02
INTERVERTEBRAL DISC IMPLANTS)
AND METHODS) September 10, 2003

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment w/Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED**SEP 22 2003****TECHNOLOGY CENTER R3700**

Dear Sir:

In response to the Office Action mailed July 22, 2003, please consider the following.

Additionally, please provide any extensions of time which may be necessary and charge any additional fees which may be due or credit any overpayment to Deposit Account No. 23-3030, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on **September 10, 2003**.

Timothy N. Thomas
Name of Registered Representative

Timothy N. Thomas
Signature

September 10, 2003
Date of Signature

REMARKS

A Restriction Requirement dated July 22, 2003 asserts that the subject application contains claims directed to three patentably distinct inventions, and 8 distinct species. In response thereto, applicant elects Invention I, drawn to an implant, Species H, FIGS. 22A-Q, on which claims 1 - 28 are believed to read.

Favorable consideration of the application is respectfully requested.

Respectfully submitted,

By Timothy N. Thomas

Timothy N. Thomas, Esq.,
Reg. No. 35,714
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137
(317) 634-3456 Telephone
(317) 637-7561 Facsimile

Attorney for Applicant